

EXHIBIT A



1
2 Entered on Docket
3 January 22, 2008
4

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

5
6 **LEWIS AND ROCA LLP**

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15 *Attorneys for USACM Liquidating Trust*

16 **UNITED STATES BANKRUPTCY COURT**
17 **DISTRICT OF NEVADA**

18 In re:

19 USA COMMERCIAL MORTGAGE COMPANY,
20 USA CAPITAL REALTY ADVISORS, LLC,
21 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
22 LLC,
23 USA CAPITAL FIRST TRUST DEED FUND, LLC,
24 USA SECURITIES, LLC,

25 Debtors.

26 Case No. BK-S-06-10725-LBR
27 Case No. BK-S-06-10726-LBR
28 Case No. BK-S-06-10727-LBR
29 Case No. BK-S-06-10728-LBR
30 Case No. BK-S-06-10729-LBR

31 **CHAPTER 11**

32 Jointly Administered Under Case No. BK-S-06-
33 10725 LBR

34 Hearing Date: December 20, 2007
35 Hearing Time: 9:30 a.m.

36 **Affects:**

37 All Debtors
38 USA Commercial Mortgage Company
39 USA Capital Realty Advisors, LLC
40 USA Capital Diversified Trust Deed Fund, LLC
41 USA Capital First Trust Deed Fund, LLC
42 USA Securities, LLC

1 **ORDER SUSTAINING OBJECTION TO CLAIM TO SECURED STATUS BY**
2 **WYNN AND LORRAINE GUNDERSON**

3 Pending before the Court is the Objection of the USACM Liquidating Trust (the
4 “USACM Trust”) to Wynn & Lorraine J. Gunderson’s Claim Asserting Secured Status
5 (the “Objection”) [DE 4262] and the USACM Trust’s Motion for Summary Judgment
6 Regarding Responses to the USACM Trust’s First Through Thirty-Third Omnibus
7 Objection to Claims Asserting Secured Status as it applies to the Objection (the “Motion”)
8 [DE 4291]. The Gundersons are Direct Lenders, who filed Proof of Claim No. 10725-
9 02447-2 (the “Claim”). The Gundersons assert secured status based upon USACM’s
10 allegedly fraudulent handling of the Gunderson’s investment. The Objection and the
11 Motion seek to reclassify the Gunderson’s claim as a general unsecured claim, arguing that
12 the Gunderson’s fraud allegations, even if true, are insufficient to create a security interest.
13 The Gundersons filed a response to the Objection and the Motion [DE 3514]. The Court
14 heard oral argument on the Objection and the Motion on December 20, 2007. Good cause
15 appearing,

16 IT IS ORDERED:

17 • Sustaining the Objection as it applies to Proof of Claim No. 10725-02447-2;
18 • Granting the Motion as it applies to Proof of Claim No. 10725-02447-2; and
19 • Reclassifying Proof of Claim No. 10725-02447-2 as a general unsecured claim.

20 # # #

21 PREPARED AND SUBMITTED:

22 **LEWIS AND ROCA LLP**

23 By: /s/ RC (#0006593)

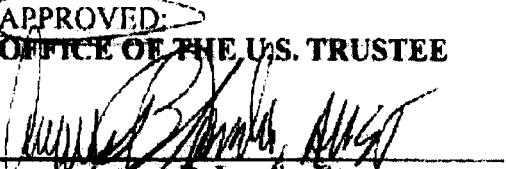
24 Susan M. Freeman

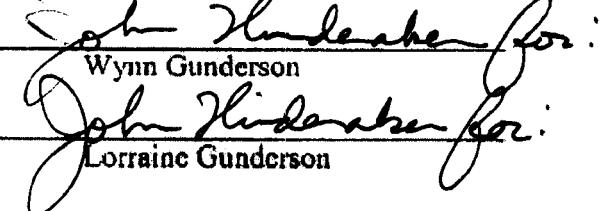
25 Rob Charles

26 *Attorneys for USACM Liquidating Trust*

1 APPROVED:

2 **OFFICE OF THE U.S. TRUSTEE**

3 
4 August B. Landis, Esq.
5 Scott A. Farrow, Esq.
6 300 Las Vegas Boulevard, Suite 4300
7 Las Vegas, NV 89101

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9 Wynn Gunderson

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11 Lorraine Gunderson

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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021
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3 In accordance with Local Rule 9021, the undersigned certifies:

4 The Court waived the requirements of approval under LR 9021.
5 No parties appeared or filed written objections, and there is no trustee appointed
6 in the case.
7 No opposition was filed to the motion and no other party or counsel appeared at
8 the hearing.
9 I have delivered a copy of this proposed order to all attorneys and unrepresented
10 parties who have appeared at the hearing, and any trustee appointed in the case,
11 and each has approved or disapproved the order, or failed to respond, as
12 indicated below:

13 August Landis (Approved)
14 *Office of the U.S. Trustee*

15 Lorraine Gunderson (Approved)
16 *Claimant*

17 Lorraine Gunderson (Approved)
18 *Claimant*

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)
21 Susan M. Freeman
22 Rob Charles
23 *Attorneys for USACM Liquidating Trust*